



Midpeninsula Regional
Open Space District

April 28, 2021
Board Meeting 21-12

SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, April 28, 2021

The Board of Directors conducted this meeting in accordance with California Governor Newsom's Executive Order N-29-20. All Board members and staff participated via teleconference.

APPROVED MINUTES*

SPECIAL MEETING – STUDY SESSION

President Riffle called the special meeting of the Midpeninsula Regional Open Space District to order at 5:00 p.m.

ROLL CALL

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: Zoe Kersteen-Tucker

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, Chief Executive Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Natural Resources Manager Kirk Lenington, Senior Resource Management Specialist Julie Andersen, Senior Resource Management Specialist Coty Sifuentes-Winter, Senior Resource Management Specialist Aaron Hébert

President Riffle announced this meeting is being held in accordance with Governor Newsom's Executive Order allowing Board members to participate remotely. The District has done its best to conduct a meeting where everyone has an opportunity to listen to the meeting and to provide comment. The public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone. This information can be found on the meeting agenda, which was physically posted at the District's Administrative Office, and on the District website. President Riffle described the process and protocols for the meeting.

1. Draft Mitigation Policy (R-21-50)

Senior Resource Management Specialist Julie Andersen provided an overview of the District's resource management policies, which are adopted by the Board and amended as needed to include scientific updates.

Senior Resource Management Specialist Aaron Hébert described the role of mitigation to minimize or eliminate impacts of a given activity on the environment and its place in the District's project delivery process. Mr. Hébert outlined mitigation best management practices, including avoidance, minimizing impacts, mitigating for impacts, and purchasing mitigation credits. Finally, Mr. Hébert defined metrics of successful mitigation measures.

Senior Resource Management Specialist Coty Sifuentes-Winter explained the difference between mitigation and restoration, which is the process of returning degraded or disturbed land to its natural conditions, and provided examples of internal mitigation for District projects.

Ms. Andersen described the proposed mitigation process included in the draft mitigation policy.

Director Holman inquired regarding the proposed process to reevaluate project goals if project alternatives are determined to all have environmental impacts.

Mr. Hébert reported policy language (M5) includes a provision to address this issue by directing staff to revisit project objectives.

Directors Holman and Kishimoto requested and received additional information regarding mitigation at current District projects for the Alma College cultural landscape and Beatty parking area newt study.

Natural Resources Manager Kirk Lenington outlined the proposed evaluation criteria District staff would use to review external requests for mitigation: 1) alignment with District goals; 2) geographic proximity and size of project; 3) public, social, and partner implications; 4) proposed project design; 5) ecological impact versus value achieved. Mr. Lenington described the evaluation process and value and implications of adopting a mitigation policy.

Director Holman suggested including an index for the policy and page numbers on the document. Director Holman suggested staff add clarification in the policy when referring to a project or associated mitigation work. Director Holman requested additional information regarding the District's role in evaluating projects for environmental impact. Director Holman suggested the Audubon Society should review the draft policy.

Director Holman asked staff to include a statement in the Mitigation Policy to address Midpen's role reviewing external projects under the California Environmental Quality Act (CEQA).

Ms. Andersen stated existing District policy may address this issue, and staff will research this topic with the Planning Department who oversee CEQA implementation at the District.

Director Holman asked staff to summarize or reference existing District policy on this topic in the mitigation policy to clarify the District's role in reviewing external projects during the CEQA process.

Director Holman inquired if the District would receive the funding for mitigation and complete mitigation work itself or if the project proponent would complete the mitigation.

Ms. Andersen stated mitigation or restoration work may be completed by the District or an outside agency.

President Riffle inquired when the Board of Directors would weigh in on the process.

Mr. Lenington stated the Board would likely become involved once the scale of the mitigation project is determined, i.e. more than \$50,000.

President Riffle suggested organizations doing work similar to the District should review the policy such as members of the Santa Cruz Mountain Stewardship Network, Santa Clara Valley Open Space Authority, Peninsula Open Space Trust, etc.

Director Hassett inquired regarding the process for determining what District projects may be available to provide mitigation opportunities for external partners and if a list of potential mitigation projects exists.

Mr. Hébert stated Natural Resources Department staff is often contacted directly regarding eternal mitigation requests and work with other District staff on an ad hoc basis to look for mitigation work opportunities.

Mr. Sifuentes-Winter stated staff may look to the District's priority areas to determine if any potential mitigation work can be completed.

Ms. Andersen reported staff also looks at the Board-adopted Action Plan and list of deferred projects for potential mitigation projects.

Director Holman suggested if a list of mitigation projects is created it could be publicized on the District's website and be available for members of the public to donate to support the projects.

Public comment opened at 6:52 p.m.

District Clerk Jennifer Woodworth reported no comments were submitted for the special meeting.

Public comment closed at 6:52 p.m.

No Board action required.

ADJOURNMENT

President Riffle adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:52 p.m.

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

President Riffle called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:00 p.m.

ROLL CALL

Members Present: Larry Hassett, Karen Holman, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: Jed Cyr and Zoe Kersteen-Tucker

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, Chief Executive Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Public Affairs Manager Kori Skinner, Public Affairs Specialist II Cydney Bieber, Human Resources Manager Candice Basnight, Senior Planner Tina Hugg

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Director Cyr joined the meeting at 7:01 p.m.

ORAL COMMUNICATIONS

Rhoda Fry provided comments regarding Lehigh Quarry stating the currently idle quarry is not needed for employment in the area. Ms. Fry expressed concern regarding unrepaired landslide near Permanente Creek, lack of restoration funds, lack of fill to refill the quarry which is needed for water quality. Ms. Fry spoke in favor of the Permanente Creek Restoration Area plan by Santa Clara County.

District Clerk Jennifer Woodworth read the submitted comments into the record.

Eric Desfosses expressed support for allowing class 1 e-bikes access to multi-use recreational trails.

ADOPTION OF AGENDA

Motion: Director Cyr moved, and Director Siemens seconded the motion to adopt the agenda.

ROLL CALL VOTE: 6-0-0 (Director Kersteen-Tucker absent)

CONSENT CALENDAR

Public comment opened at 7:08 p.m.

Ms. Woodworth reported no public comments were submitted for this item.

Public comment closed at 7:08 p.m.

Motion: Director Cyr moved, and Director Kishimoto seconded the motion to approve the Consent Calendar.

ROLL CALL VOTE: **6-0-0** (Director Kersteen-Tucker absent)

- 1. Approve the April 14, 2021 Board meeting minutes**
- 2. Claims Report**
- 3. Partnership Agreement with San Jose Conservation Corps and Charter School to Complete Resource Management, Vegetation Management, and Maintenance Projects (R-21-52)**

General Manager’s Recommendation:

1. Authorize the General Manager to enter into a Partnership Agreement with the San Jose Conservation Corps and Charter School for a not-to-exceed amount of \$150,000 in Fiscal Year 2021-22.
 2. Authorize the General Manager to extend the agreement for three additional consecutive years, if the program achieves specific success criteria, at an annual cost of up to \$200,000 for a total not-to-exceed contract amount of \$750,000 over four years.
- 4. Contract Amendments for On-Call Vehicle Maintenance & Repair Services (R-21-54)**

General Manager’s Recommendation:

1. Authorize the General Manager to amend an on-call vehicle maintenance and repair contract with Renson Automotive Inc., by an additional \$25,000 for a new, not-to-exceed total amount of \$75,000 to cover service needs through end of June (end of Fiscal Year 2020-21).
 2. Authorize the General Manager to amend an on-call vehicle maintenance and repair contract with Ray & Jan’s Mobile Mechanic by an additional \$10,000 for a new, not-to-exceed total amount of \$60,000 to cover service needs through end of June (end of Fiscal Year 2020-21).
- 5. Award of Contract with Vollmar Natural Lands Consulting for Botanical Services at Cloverdale Ranch (R-21-51)**

General Manager’s Recommendation:

1. Authorize the General Manager to contract with Vollmar Natural Lands Consulting of Berkeley, CA, to provide botanical services at Cloverdale Ranch for a base contract amount of \$118,805.
2. Authorize an allowance of \$12,000 to cover additional biological surveys if significant populations of rare or invasive plant species are discovered that may require additional time (or seasons) to survey, for a grand total contract amount not-to-exceed \$130,805.

6. Amend the Classification and Compensation Plan for three Positions: Area Manager, Area Superintendent and Capital Projects Field Manager (R-21-53)

General Manager's Recommendation: Adopt a resolution amending the Classification and Compensation Plan to reflect current labor market levels for the following three positions: Area Manager, Area Superintendent and Capital Projects Field Manager

BOARD BUSINESS

7. Affirmation of the scored, prioritized findings and recommendations of the Rancho San Antonio Multimodal Access Strategies Report as forwarded by the Planning and Natural Resources Committee (R-21-55)

General Manager Ana Ruiz provided introductory comments describing the high level of visitor use at Rancho San Antonio, which has increased during the COVID-19 pandemic. The preserve has many amenities that draw in visitors and is located near many communities providing easier access as compared to more rural District preserves. Ms. Ruiz described the parking locations and the frequent parking challenges given the large number of visitors seeking to visit the park and preserve. As a result, the District completed a study to better understand the opportunities and challenges associated with visiting Rancho San Antonio and to develop numerous strategies for addressing these challenges. Ms. Ruiz stated the proposed budget for this project for FY21-22 is relatively small, and additional budget requests may be forthcoming based on the Board direction.

Senior Planner Tina Hugg provided the staff presentation describing the Santa Clara County park and District preserve site, parking areas, access points, interest by various stakeholders in surrounding communities and relevant agencies, and ongoing parking and traffic challenges. Ms. Hugg described the parking and transportation demand analysis completed since Fall 2019 and summarized previous Board and Committee actions.

Jason Rosenblum, transportation consultant with the IBI Group which consulted on the project, described existing bicyclist, pedestrian, transit, and vehicular access and the methodology for gathering data for the study through vehicle counts, in-person and online surveys, etc. Mr. Rosenblum reviewed the various questions asked in the surveys and the dates during which visitor and vehicle counts were completed.

Director Riffle inquired regarding the impact of the COVID-19 pandemic on the number of preserve visitors.

Mr. Rosenblum stated the number of visitors has risen during the pandemic, which has exacerbated the lack of parking for visitors.

Mr. Rosenblum described various transportation demand management (TDM) strategies, which were grouped in five categories: access improvements, transit improvements, traffic operational improvements, visitor demand improvements, and capacity improvements. Mr. Rosenblum outlined how the various scoring factors and their weights were prioritized and approved by the Planning and Natural Resources (PNR) Committee.

Ms. Hugg reviewed feedback received from the PNR Committee regarding the various TDM strategies.

Mr. Rosenblum presented the prioritized strategies and recommendations for implementation . Mr. Rosenblum described options for measuring the effectiveness of the TDM strategies.

Ms. Hugg described the proposed implementation of first priority recommendations: bike facilities, new and improved bike access, subsidized ride hail, free or low-cost shuttle service, carpool restricted lot, and dynamic or variable signage. Ms. Hugg provided a status update on various short-, medium-, and long-term actions approved by the Board of Directors in 2019.

President Riffle inquired regarding staff's coordination efforts with Santa Clara County.

Ms. Hugg reported District staff is working closely with Santa Clara County on the project, and the District would need agreement from the County on many of the TDM strategies.

Director Hassett commented regarding Santa Clara County's use of parking fees at County parks, which led to the District managing Rancho San Antonio County Park.

Public comment opened at 8:22 p.m.

Elizabeth Montgomery stated she is a neighbor of Rancho San Antonio and frequent visitor and volunteer there. Ms. Montgomery commented on options to address parking concerns suggested by members of the public in September 2020. Ms. Montgomery stated some of the suggested options, such a parking structure should be considered before encouraging more access for neighborhoods. Ms. Montgomery stated neighborhood stakeholders' input should be have greater weight than stakeholder interest from District residents who live further from the park.

Joe Eder commented on the strategy to improve bicycle access and stated additional bicycle access has negatively impacted the Highland neighborhood due to additional visitors driving to the neighborhood and parking. A parking permit and ticketing system should be used in conjunction with the increased bicycle access from the neighborhoods.

Public comment closed at 8:28 p.m.

Director Kishimoto praised the balanced approach taken by staff to balance neighborhood resident concerns, neighboring cities and school input, and a high desire for visitor access.

Director Holman commented on the balance between the negative impacts on neighbors from high visitor use and the benefits to the neighborhood of easy access to open space.

Director Hassett thanked the PNR Committee and District staff for their work on this difficult project.

Director Siemens suggested updating the District's signage on Foothill Boulevard near Rancho San Antonio to also include information related to Picchetti Ranch, which is near and may help relieve some congestion at Rancho San Antonio.

President Riffle requested clarification regarding implementation of tier one priorities.

Ms. Hugg stated staff intends to implement the priority one TDM strategies in unison to maximize effectiveness. However, some may take longer to implement based on their complexity and level of resources needed.

President Riffle stated additional information is needed to measure effectiveness of the TDM strategies. Effectiveness should be measured from the visitor perspective and neighbor perspective. The District needs to work closely with partner agencies, including with the Cities of Los Altos, Los Altos Hills, and Cupertino to be successful.

Director Kishimoto inquired if the implementation plan would include information regarding potential funding contributions by the District, such as for bike lanes on Cristo Rey Drive.

Ms. Ruiz stated many of the TDM strategies will require collaboration and coordination with nearby agencies, and include funding contributions.

President Riffle stated education will be key to successful implementation, including highlighting other District preserves as alternative destinations for visitors.

Director Holman commented the strategies being approved today are not the final word on the project, but it is what can be done right now.

Motion: Director Kishimoto moved, and Director Holman seconded the motion to

1. Review and affirm, with any final modifications as directed by the Board of Directors, the scored, prioritized transportation demand strategy findings and recommendations of the Rancho San Antonio Multimodal Access Strategies Report.
2. Direct the General Manager to begin the implementation phase for the first set of prioritized transportation demand management strategies and recommendations.

ROLL CALL VOTE: 6-0-0 (Director Kersteen-Tucker absent)

8. Project-Specific Analysis and CEQA Compliance for Bear Creek Redwoods Open Space Preserve Vegetation Treatment Project (R-21-56)

Senior Resource Management Specialist Coty Sifuentes-Winter provided the staff report describing the Bear Creek Redwoods vegetation treatment project to address Sudden Oak Death and its impact on the natural environment.

Lily Bostrom with Ascent Environmental described the process for the project specific analysis for the project and outlined the impact conclusions and findings. Ms. Bostrom also explained how the Bear Creek Redwoods Project-Specific Analysis and associated documents will be used by the Board of Forestry's California Vegetation Treatment Program in their training on the environmental review process.

Public comment opened at 9:10 p.m.

Ms. Woodworth read the submitted comments into the record.

Presley Troyer expressed interest in working with the District, Santa Cruz and Santa Clara Counties, and Caltrans to support a Firewise community and ensure safe emergency escape routes.

Public comment closed at 9:12 p.m.

Mr. Sifuentes-Winter reported staff works regularly with Caltrans on this type of project and with the counties for required permits.

Motion: Director Siemens moved, and Director Cyr seconded the motion to adopt a resolution of the Board of Directors of the Midpeninsula Regional Open Space District that includes the following:

1. A determination that the Bear Creek Redwoods Open Space Preserve Vegetation Treatment Project qualifies as an activity covered under the California Vegetation Treatment Program Environmental Impact Report;
2. Adoption of the Findings of Fact and Statement of Overriding Considerations;
3. Adoption of the Mitigation Monitoring and Reporting Plan; and
4. Approval of the Bear Creek Redwoods Open Space Preserve Vegetation Treatment Project.

ROLL CALL VOTE: **6-0-0** (Director Kersteen-Tucker absent)

INFORMATIONAL REPORTS

A. Committee Reports

Director Kishimoto reported the Lehigh Quarry ad hoc committee met on April 22, 2021.

B. Staff Reports

Ms. Ruiz reported the District will be featured at California State Senator Josh Becker’s virtual town hall event recognizing the District’s role in providing access to nature during the COVID-19 pandemic.

Assistant General Manager Brian Malone provided an update regarding the Redwood Cabin, which has recently experienced trespassing and vandalism incidents. As a result, the deck is being documented and removed to prevent additional vandalism.

C. Director Reports

Director Holman reported Director Kersteen-Tucker presented to the Menlo Park City Council on April 27, 2021, and she and Director Kishimoto presented to the Palo Alto City Council on April 19, 2021.

Board members commented on the tours they took of the new South Area Field Office.

President Riffle and Director Hassett reported on the recent recognition event for the La Honda Public Access Working Group.

President Riffle commended staff for their work with Doug McConnell on the recent *Open Roads* episode.

ADJOURNMENT

President Riffle adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 9:33 p.m.

SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT – CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: San Mateo County APN(s): 066-300-010 & -020

Agency Negotiator: Allen Ishibashi, Senior Real Property Agent

Negotiating Party: Mateo and Alessandra Tabachnik

Under Negotiation: Purchase Terms

Public comment opened at 9:33 p.m.

Ms. Woodworth reported no public comments were submitted for this item.

Public comment closed at 9:33 p.m.

The Board convened into closed session at 9:33 p.m.

ADJOURNMENT

President Riffle adjourned the meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:14 p.m.

Jennifer Woodworth, MMC
District Clerk